

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

WILLIAM M. LEGG)	
Claimant)	
VS.)	
)	Docket No. 220,564
THE BOEING COMPANY)	
Respondent)	
AND)	
)	
KEMPER INSURANCE COMPANIES)	
Insurance Carrier)	

ORDER

Claimant appealed the April 21, 1998 Award and the April 27, 1998 Award Nunc Pro Tunc entered by Administrative Law Judge John D. Clark. The Appeals Board heard oral argument on December 11, 1998, in Wichita, Kansas.

APPEARANCES

Claimant appeared by his attorney, Lawrence M. Gurney of Wichita, Kansas. Respondent and its insurance carrier appeared by their attorney, Eric K. Kuhn of Wichita, Kansas. There were no other appearances.

RECORD AND STIPULATIONS

The Appeals Board has considered the record and has adopted the stipulations listed in the ALJ's Award.

ISSUES

The ALJ found claimant was injured in a single February 28, 1995 work-related accident. Finding no reference to left shoulder complaints in the records of any of the treating physicians, the ALJ limited the permanent disability compensation award to the right upper extremity. The ALJ awarded claimant permanent partial disability benefits based on a 14 percent functional impairment to the level of the shoulder. Claimant argues for a higher right upper extremity rating, a left upper extremity impairment and a permanent partial disability award based on a work disability. Claimant also disagrees with the ALJ's finding concerning the extent of his preexisting right wrist condition. The nature and extent of claimant's permanent partial disability is the only issue raised for Appeals Board review.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record, considering the briefs, and hearing the arguments of the parties, the Appeals Board finds as follows:

The Appeals Board finds the ALJ's Award and Award Nunc Pro Tunc should be affirmed. The Appeals Board agrees with the ALJ's analysis of the evidence as set forth in the Award. Furthermore, the Appeals Board concludes the Award sets out findings of fact and conclusions of law that are accurate and supported by the record. It is not necessary to repeat those findings and conclusions in this order. Therefore, the Appeals Board adopts the ALJ's findings and conclusions as its own as if specifically set forth herein.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award and Award Nunc Pro Tunc entered by Administrative Law Judge John D. Clark, dated April 21, 1998 and April 27, 1998 respectively, should be, and are hereby, affirmed in all respects.

IT IS SO ORDERED.

Dated this ____ day of June 1999.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Lawrence M. Gurney, Wichita, KS
Eric K. Kuhn, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director